



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

P

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/614,457 | 07/09/2003 | Veniamin A. Foigel | 011403-9001-00 | 2276 |

23409 7590 01/25/2006

MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

| |
|----------|
| EXAMINER |
|----------|

LUGO, CARLOS

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3676

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,457

Applicant(s)

FOIGEL ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5,9-13 and 15-18 is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on January 3, 2006.

In view of the new art cited, a new rejection has been made on the record to claims 7 and 8.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 7 and 8 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,352,003 to Bystry in view of US Pat No 6,406,074 to Mahaney and further in view of US Pat No 6,550,830 to Kueznal (Kueznal '830).

Regarding claim 7, Bystry discloses a cable lock comprising a cable (17) having a cross sectional shape having radius varying at different circumferential positions of the shape; a housing (13) defining an internal cavity; and a wall (46) positioned to block access into the cavity and defining an aperture (48).

However, Bystry fails to disclose that the aperture has a complementary shape as the cable and that have scalloped edges.

Kueznal '830 teaches that it is well known in the art to have a cable (46) that pass through a wall (74) that defines an aperture (58) that has a complementary shape as the cable and that has scalloped edges (a continuous series of angular projections).

Mahaney teaches that it is well known in the art to have a member (74) introduced into an aperture (62) having a complementary shape as the member and that has scalloped edges (68, a continuous series of circular segments).

Applicant is reminded that a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the wall defined by Bystry with an aperture that has a complementary shape as the one of the cable and that has scalloped edges, as taught by Kueznel '830 and Mahaney, in order to guide the cable into the housing.

As to claim 8, Bystry, as modified by Kueznel '830 and Mahaney, teaches that the wall would be shaped to prevent relative rotation between the cable and the wall.

4. **Claims 7 and 8 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,994,521 to Van Gompel in view of US Pat No 6,406,074 to Mahaney and further in view of US Pat No 6,550,830 to Kueznel (Kueznel '830).

Regarding claim 7, Van Gompel discloses a cable lock comprising a cable (27) having a cross sectional shape having radius varying at different circumferential positions of the shape; a housing (26) defining an internal cavity; and a wall (44) positioned to block access into the cavity and defining an aperture (46).

However, Van Gompel fails to disclose that the aperture has a complementary shape as the cable and that have scalloped edges.

Kueznel '830 teaches that it is well known in the art to have a cable (46) that pass through a wall (74) that defines an aperture (58) that has a complementary

Art Unit: 3676

shape as the cable and that has scalloped edges (a continuous series of angular projections).

Mahaney teaches that it is well known in the art to have a member (74) introduced into an aperture (62) having a complementary shape as the member and that has scalloped edges (68, a continuous series of circular segments).

Applicant is reminded that a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the wall defined by Van Gompel with an aperture that has a complementary shape as the one of the cable and that has scalloped edges, as taught by Kueznal '830 and Mahaney, in order to guide the cable into the housing.

As to claim 8, Van Gompel, as modified by Kueznal '830 and Mahaney, teaches that the wall would be shaped to prevent relative rotation between the cable and the wall.

Allowable Subject Matter

5. Claims 1-3,5,9-13,15-18 are allowed.

Response to Arguments

6. After further search and consideration, the examiner withdraws the notice of allowable subject matter to claims 7 and 8 in view of the new rejection.

The claim language does not require that the scalloped edges are guides formed in the aperture to aid in the insertion of the cable through the twisted shape of the aperture. At the instant, the claim language presented in claim 7 only requires that

Art Unit: 3676

the edges are scallop, either a continuous series of circular or angular segments. The aperture shape does not require that is twisted. Therefore, a new rejection to claims 7 and 8 has been made on record.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
Patent Examiner
AU 3676

A handwritten signature in black ink, appearing to read "Brian E. Glessner", followed by a long horizontal line.

**BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER**

January 17, 2006.